

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARLOS JOHN WILLIAMS,
Plaintiff,

v.

DOUG WADDINGTON, *et al*,
Defendants.

Case No. C07-5216RBL-KLS

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT
OF COUNSEL

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court upon plaintiff's filing of a motion for appointment of counsel. (Dkt. #17). Plaintiff has been granted *in forma pauperis* status in this case. After reviewing the motion and the balance of the record, the Court finds and ORDERS as follows:

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. While the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, it may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of plaintiff to articulate his claims *pro se* in light of the

1 complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

2 In his motion, plaintiff requests that he be appointed counsel on the basis that he currently is in
3 administrative segregation, and has been there since 2004, that he has no access to a law library or to
4 potential witnesses, and that his claim is highly meritorious. Plaintiff, however, has failed to show that
5 exceptional circumstances warrant appointment of counsel in this case. First, notwithstanding plaintiff's
6 statement to the contrary, he has not shown a likelihood of success on the merits. Nor has he shown the
7 legal issues involved in this case are necessarily complex or that he is unable to articulate his claims pro
8 se, even taking into account his placement in administrative segregation. While plaintiff claims he has no
9 access to legal resources, he has presented no evidence that such is the case.

10 Accordingly, for all of the above reasons, plaintiff's motion for appointment of counsel (Dkt. #17)
11 hereby is DENIED.

12 The clerk is directed to send a copy of this Order to plaintiff.

13 DATED this 29th day of August, 2007.

14
15
16 

17 Karen L. Strombom
18 United States Magistrate Judge
19
20
21
22
23
24
25
26
27
28